

Shaun Keating - CONFIDENTIAL - October 18, 2012
A609704

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 - - -
4 JAMES R. GLIDEWELL DENTAL)
CERAMICS, INC., d/b/a GLIDEWELL)
5 LABORATORIES, a California)
corporation,)
6)
Plaintiff,)
7)
vs.) No.: SACV11-01309-DOC
8) (ANx)
KEATING DENTAL ARTS, INC., a)
9 California corporation,)
)
10 Defendant.)
- - - - -)
11)
AND RELATED COUNTERCLAIM .)
12 - - - - -)

13
14 CONFIDENTIAL, ATTORNEYS' EYES ONLY
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16 DEPOSITION OF
17 SHAUN KEATING
18 IRVINE, CALIFORNIA
19 OCTOBER 18, 2012
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24 REPORTED BY: GLENNA J. McNEALY, CSR NO. 9138
25 FILE NO.: A609704

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A P P E A R A N C E S

FOR THE PLAINTIFF:

LEONARD TACHNER, PLC
BY: LEONARD TACHNER, ESQUIRE
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FOR THE DEFENDANT:

KNOBBE MARTENS
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Irvine, California 92614
949-760-0404

1 And then for them to come and do it, it was like
2 just -- just kind of blew me away and then kind of
3 strong-armed me into insisting that I buy their products
4 and let them market it for me and put me on the thing and
5 drop the name, it was kind of just -- like, it was kind
6 of like scary, you know, knowing that I've -- I
7 couldn't -- there was no way out of it.

8 No way out of it, just -- and after all my due
9 diligence of everything I did up to that point to -- to
10 be able to do this and then to have them do it, you know,
11 go after me was kind of tough but --

12 Q. Do you believe that dentists out in the United
13 States over the various 50 states, as you put it, do you
14 believe that when they see the trademark "BruxZir" with a
15 "Z," that they recognize it as a Glidewell mark?

16 MR. JANKOWSKI: Objection, calls for
17 speculation. You can answer.

18 THE WITNESS: No, I don't. I don't. Doctors
19 have been using the name "bruxer" for a strong crown
20 forever, be it gold, be it zirconia. Now it's kind of a
21 generic name for an all-full model of the crown. You can
22 see it on the Internet and everything else for bruxer
23 crowns.

24 BY MR. TACHNER:

25 Q. But I'm talking about the BruxZir spelled

1 B-r-u-x-Z-i-r.

2 MR. JANKOWSKI: Same objection. You can
3 answer.

4 THE WITNESS: No, I don't think so.

5 BY MR. TACHNER:

6 Q. You don't think so what?

7 A. I don't think that doctors recognize that as
8 being Glidewell.

9 Q. What do you think they -- they understand that
10 to be when they see it?

11 A. I just think it's for grinding patients, a full
12 contoured monolithic zirconia crown for bruxers.

13 Q. And what is the basis for your belief of
14 that?

15 A. Because it's strong. Everyone knows it's
16 strong, and it's the -- it's what -- it's chip resistant
17 and for your grinder patients.

18 Q. Is there a -- a word BruxZir, B-r-u-x-Z-i-r, in
19 the industry?

20 A. What's that?

21 Q. Is there such a word?

22 A. As what?

23 Q. B-r-u-x-Z-i-r?

24 A. Is there such a word? I don't understand the
25 question. That's Glidewell's name for their monolithic

1 crown.

2 Q. Is it used in any other way in the industry?

3 A. No.

4 Q. No?

5 A. Not that I know of.

6 MR. TACHNER: No more questions.

7 MR. JANKOWSKI: I have no questions.

8 MR. TACHNER: Thank you very much, Mr. Keating.

9 Same stipulations?

10 MR. JANKOWSKI: Yes.

11 (Ending time: 1:15 p.m.)

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1 STATE OF

California

2 COUNTY OF

Orange

) SS.
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4
5 I, the undersigned, declare under penalty of
6 perjury that I have read the foregoing transcript, and I
7 have made any corrections, additions or deletions that I
8 was desirous of making; that the foregoing is a true and
9 correct transcript of my testimony contained therein.

10
11 EXECUTED this 31 day of October, 2012, at

12 Irvine

(City)

California

(State)

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SHAUN KEATING

DEPOSITION ERRATA SHEET

DEPOSITION OF: Shaun Keating

DATE OF DEPOSITION: October 18, 2012

CASE NAME: *James R. Glidewell Dental Ceramics, Inc. d/b/a Glidewell Laboratories
v. Keating Dental Arts, Inc.*

I hereby declare that the following are corrections, which I have made to my deposition transcript:

PAGE NO.	LINE NO.	READS NOW	CORRECTION	REASON FOR CORRECTION
6	25	kind	crown	pronunciation
16	24	CVA	CDA	pronunciation
35	13	Bob Ramey	Bob Brandon	pronunciation
36	25	Dennis	dentists	pronunciation
40	8	centered	sintered	spelling
40	17	center	sinter	spelling
51	16	gold	fuel	pronunciation
69	21	buckle	buccal	spelling
84	12	old	all	pronunciation
85	13	old	all	pronunciation
92	23	Cois	Kois	spelling
92	23	Fromm	Farran	spelling
96	3	Cois	Kois	spelling
102	22	Zircon	Cercon	pronunciation
110	3	glide	guide	spelling

I certify (or declare) under penalty of perjury under the laws of the United States that the foregoing is true and correct.

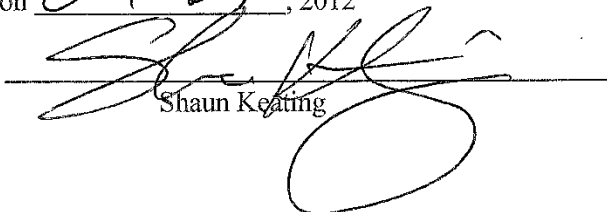
Executed at

31

on

October

, 2012



Shaun Keating

REPORTER'S CERTIFICATE

I, GLENNA J. MCNEALY, CSR No. 9138, a Certified
Shorthand Reporter, certify;

That the foregoing proceedings were taken before
me at the time and place therein set forth, at which time
the witness was put under oath by me;

That the testimony of the witness, the questions
propounded, and all objections and statements made at the
time of the examination were recorded stenographically by
me and were thereafter transcribed;

That the foregoing is a true and correct
transcript of my shorthand notes so taken.

I further certify that I am not a relative or
employee of any attorney of the parties, nor financially
interested in the action.

I declare under penalty of perjury under the laws
of California that the foregoing is true and correct.

(Reading and signing is requested.)

Dated this 30th day of October,



Glenna J. McNealy
GLENNA J. MCNEALY, CSR No. 9138